

In re Davies
Ser. No. 10/772,711
Filed February 5, 2004
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DRAWINGS

The Applicant respectfully submits Replacement Drawings requested by the Examiner. The Replacement Sheets are identical to the original drawings, only more formal with computer generated text and numbering. The Applicant respectfully submits that a separate annotated sheet is not necessary to show the changes in this circumstance (MPEP 608.02(v)).

REMARKS

The Applicant appreciates the Examiner's thorough examination of the application and responds herein to the issues presented.

The Applicant has **added** new Claims 55–85 and **canceled** claims 1–29, 32, and 44. New claims 55–85 are fully supported in the original disclosure of the application.

Claim Rejections based upon Wren in further view of Heusinkveld under 35 U.S.C. § 103(a)

The Examiner rejects Claims 30–32, 34–44, and 47–54 as being unpatentable over United State Patent No. 6,055,514 (Wren) in further view of United States Patent Application Publication No. 2004/0218089 (Heusinkveld). In response, the Applicant notes that the Examiner failed to consider fully all of the claim recitations, as recited in Claims 30 and 41, in arguing that the present invention is obvious. Claim 30 recites, *inter alia*, “a remote service facility with service capabilities for the movable serviceable items, said service facility being external to said retail facility.” Claim 41 recites, *inter alia*, “a remote automobile service facility with service capabilities for automobiles, said service facility being external to the retail facility.”

Wren and Heusinkveld fail to teach or suggest a service center for offering services on moveable serviceable items as recited in Claims 30 and 41. Wren teaches a system for facilitating transactions between central and remote facilities used to market, sell, finance, and insure goods and services such as financial services. The Examiner argues that Wren teaches a service center for offering services on moveable serviceable items; however, the Applicant has been unable to locate any disclosure in Wren that teaches or suggests a service center for offering services on moveable serviceable items. Wren states (col. 6, lines 20–23) that the system therein transmits “presentations of goods and services including text, graphics, voice, audio, music, images, and video.” A “presentation” is not a moveable serviceable item within the scope of the pending application. The Applicant noted in the original specification that a “serviceable item” is a “physical item.” See Davies, Publication No. 20050177444, col. 4,

Paragraph 38, line 2. Heusinkveld likewise fails to teach a service center for offering services on moveable serviceable items.

After studying the Examiner's comments, the Applicant has amended independent claims 30 and 41 to recite that the service center has a valet that takes custody of the moveable serviceable item. Wren, in direct contrast to this recitation, notes that “[t]he primary or only task of the retail sales location in the preferred embodiment is to refer the customer to the equipment at the remote location.” See Wren, col. 19, lines 12–14. Wren, therefore, teaches against any personnel at the remote facility taking custody of anything from a customer. Overall, the Wren system is designed to promote self service with little or no assistance at the remote location. *See* Wren, col. 9, line 64 to col. 10, line 4. The Wren concept of fully automated self service, with assistance only to guide the customer to the equipment, is directly opposite from the concept of having a valet take custody of the moveable serviceable item or automobile and move it to a service center.

The Applicant has further amended independent Claims 30 and 41 to recite that the images transmitted to the retail facility are generated after the valet takes custody of the moveable serviceable item. This feature of the invention is important in comparing the claims to the Wren disclosure because Wren generates and transmits images only during the initial period when a representative at the distant location is working with a customer. The Wren images are never associated with any moveable serviceable item that the customer owns and expects to be returned. Wren is purely focused and limited to the “presentations” described above and any images disclosed in the Wren document are merely substitutes for face to face explanations. The Wren images have nothing to do with a physical, moveable serviceable item, the custody of which moves from the customer to a valet and then back to the customer.

Accordingly, the amendments to Claims 30 and 41 remove the recited invention from the ambit of the Wren document. As a secondary reference, Heusinkveld is of limited applicability only to dependent claims 37-40 and 50-54. In regard to the independent claims and therefore all dependent ones as well, the Examiner's combination of references is insufficient to defeat patentability.

Claim Rejections based upon Wren in further view of Osterman under 35 U.S.C. § 103(a)

The Examiner rejects Claims 33 and 45–46 as being unpatentable over Wren in further view of United States Patent No. 4,188,985 (Osterman). Osterman is limited to discussions of underground service facilities. Neither Wren, as explained above, nor Osterman teach or suggest all of the recitations found in independent Claims 30 and 41. Accordingly, dependent Claims 33 and 45–46 are also patentable even in light of Osterman. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) be removed.

* * *

In light of the foregoing, the Applicant respectfully points out to the Examiner that new Claims 55–83 recite a number of features related to performing services on moveable serviceable items. The services in independent Claims 55 and 69 include exchanging custody of the physical item from the customer to the retail facility and producing associated images during the time that the retail facility has the custody. For example, Claim 55 recites, *inter alia*, that “said retail facility receives custody of the moveable serviceable items,” and Claim 57 recites that “said retail facility returns custody of the moveable serviceable items to customers.” By way of further example, Claims 58, 84, and 85 recite the provision of short turnaround services on moveable serviceable items. The Applicant respectfully asks for consideration of these elements in light of the discussions above regarding the previously cited art.

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CONCLUSION

In light of the foregoing amendments and arguments, the Applicant considers the pending claims to be in condition for immediate allowance. The Applicant respectfully requests that the Examiner reconsider the currently standing rejections and issue a favorable response to this submission.

The Applicant files this Amendment and Response with a one month extension of time. If additional fees are required or if credits are due, the Examiner is hereby authorized to charge Deposit Account No. 50-0332.

Respectfully submitted,
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